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7590 11/24/2009
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EXAMINER	
MIRZA, ADNAN M	
ART UNIT	PAPER NUMBER

2445
DATE MAILED: 11/24/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/407,915

09/29/1999

MATTHEW B. SQUIRE

2204/191

3365

TITLE OF INVENTION: METHODS FOR AUTO-CONFIGURING A ROUTER ON AN IP SUBNET

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$0	\$0	\$1510	02/24/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

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11/24/2009

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(Depositor's name)
(Signature)
(Date)

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09/407,915	09/29/1999	MATTHEW B. SQUIRE	2204/191	3365

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nonprovisional	NO	\$1510	\$0	\$0	\$1510	02/24/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
MIRZA, ADNAN M	2445	709-220000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

2. For printing on the patent front page, list

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/A/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, _____ 1
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. _____ 2
_____ 3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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EXAMINER

MIRZA, ADNAN M

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1516 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1516 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

09/407,915

Applicant(s)

SQUIRE ET AL.

Examiner

ADNAN MIRZA

Art Unit

2445

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 07/22/2009.
2. ☒ The allowed claim(s) is/are 1-4, 6, 7, 9-18, 21, 23-32, 34, 35, 37-46, 48, 49, 51-60, 62, 63 and 65-70.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/NIVEK SRIVASTAVA/
Supervisory Patent Examiner, Art Unit 2445

EXAMINER'S AMENDMENT

An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicants, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it must be submitted no later than the payment of the issue fee.

Authorization for this Examiner's Amendment was given in a telephone interview with Robert D. McCutcheon on 10/20/09.

Please amend claims 1, 15, 29, 43, and 57 and cancel claims 5, 8, 19, 22, 33, 36, 47, 50, 61 and 64.

Listing of Claims

1. (Currently Amended) A method of configuring a first network device for connection to a communications network subnet having a second network device, the method comprising: determining, with a configuration determination module of the first network device, configuration attributes for operably connecting the first network device to the subnet based on configuration information for the subnet detected by the first network device, wherein at least a portion of the configuration information is

24 detected by passively listening to control traffic and at least a portion of
25 the configuration information is detected by direct communication with
26 another network device; and configuring the first network device, with an
27 auto configuration module of the first network device, according to the
28 configuration attributes so that the first network device is operably
29 connected to the subnet; and wherein the configuration attributes
30 comprise an Internet Protocol (IP) subnet mask determined based upon
31 the configuration information unique to the subnet and derived from
32 passively listening to control traffic detected by the first network device at
33 interfaces between the first network device and the subnet, and at least a
34 one of Spanning Tree Group information,
35 Simple Network Management Protocol (SNMP) server addresses, Open
36 Shortest Path First (OSPF) timer information, Routing Information Protocol
37 (RIP) broadcast timer information, and Virtual Router Redundancy
38 Protocol (VRRP) information.

39
40 5. (Canceled)

41

42 8. (Canceled)

43

44 15. (Currently Amended) An auto configuring data router connected to a
45 communications network subnet having a second network data router, the
46 auto configuring data router comprising: a configuration determination

47 module that determines configuration attributes for operably connecting
48 the auto configuring data router to the subnet based on configuration
49 information for the subnet detected by the auto configuring data router,
50 wherein at least a portion
51 of the configuration information is detected by passively listening to control
52 traffic and at least a portion of the configuration information is detected by
53 direct communication with another network device; and an auto
54 configuration module that configures the auto configuring data router
55 according to the configuration attributes so that the auto configuring data
56 router is operably connected to the
57 subnet; and wherein the configuration attributes comprise an Internet
58 Protocol (IP) subnet mask determined based upon the configuration
59 information unique to the subnet and derived from passively listening to
60 control traffic detected by the first network device at interfaces between
61 the first network device and the subnet, and at least a one of Spanning
62 Tree Group information, Simple Network Management Protocol (SNMP)
63 server addresses, Open Shortest Path First
64 (OSPF) timer information, Routing Information Protocol (RIP) broadcast
65 timer information, and Virtual Router Redundancy Protocol (VRRP)
66 information.

67

68 19. (Canceled)

69

70 22. (Canceled)

71

72 29. (Currently Amended) A computer network having at least one subnet
73 work, the at least one subnet work having a plurality of data routers that
74 communicate data packets over the network, the subnet work including at
75 least one auto configuring data router, the at least one auto configuring
76 data router comprising:

77 a configuration determination module that determines configuration
78 attributes for

79 operably connecting the auto configuring data router to the subnet based
80 on configuration information for the subnet detected by the auto
81 configuring data router, wherein at least a portion of the configuration
82 information is detected by passively listening to control traffic and at least
83 a portion of the configuration information is detected by direct
84 communication with another network device; and an auto configuration
85 module that configures the auto configuring data router according to the
86 configuration attributes so that the auto configuring data router is operably
87 connected to the subnet; and wherein the configuration attributes
88 comprise an Internet Protocol (IP) subnet mask determined based upon
89 the configuration information unique to the subnet and derived from
90 passively listening to control traffic detected by the first network device at
91 interfaces between the first network device and the subnet, and at least a
92 one of Spanning Tree Group information, Simple Network Management

93 Protocol (SNMP) server addresses, Open Shortest Path First (OSPF)
94 timer information, Routing Information Protocol (RIP) broadcast timer
95 information, and Virtual Router Redundancy Protocol (VRRP) information.
96
97 33. (Canceled)
98
99 36. (Canceled)
100
101 43. (Currently Amended) A computer program product for use on a
102 computer system for configuring a first network device for connection to a
103 communications network subnet having a second network device, the
104 computer program product comprising a computer-usable medium having
105 computer-readable program code thereon, the computer readable
106 program code including: program code for determining configuration
107 attributes for operably connecting the first network device to the subnet
108 based on configuration information for the subnet detected by the first
109 network device, wherein at least a portion of the configuration information
110 is detected by passively listening to control traffic and at least a portion of
111 the configuration information is detected by direct communication with
112 another network device; and program code for configuring the first network
113 device according to the configuration attributes so that the first network
114 device is operably connected to the subnet; and wherein the configuration
115 attributes comprise an Internet Protocol (IP) subnet mask determined

116 based upon the configuration information unique to the subnet and derived
117 from passively listening to control traffic detected by the first network
118 device at interfaces between the first network device and the subnet, and
119 at least a one of Spanning Tree Group information, Simple Network
120 Management Protocol (SNMP) server addresses, Open Shortest Path
121 First (OSPF) timer information, Routing Information Protocol (RIP)
122 broadcast timer information, and Virtual Router Redundancy Protocol
123 (VRRP) information.

124

125 47. (Canceled)

126 50. (Canceled)

127 57. (Currently Amended) An auto configuring data router connected to a
128 communications network subnet having a second network data router, the
129 auto configuring data router comprising: means for determining
130 configuration attributes for operably connecting the auto configuring data
131 router to the subnet based on configuration information for the subnet
132 detected by the auto configuring data router, wherein at least a portion of
133 the configuration information is detected by passively listening to control
134 traffic and at least a portion of the configuration information is detected by
135 direct communication with another network device; and means for
136 configuring the auto configuring data router according to the configuration
137 attributes so that the auto configuring data router is operably connected to
138 the subnet; and wherein the configuration attributes comprise an Internet

139 Protocol (IP) subnet mask determined based upon the configuration
140 information unique to the subnet and derived from passively listening to
141 control traffic detected by the first network device at interfaces between
142 the first network device and the subnet, and at least a one of Spanning
143 Tree Group information, Simple Network Management Protocol (SNMP)
144 server addresses, Open Shortest Path First (OSPF) timer information,
145 Routing Information Protocol (RIP) broadcast timer information, and
146 Virtual Router Redundancy Protocol (VRRP) information.

147

148 61. (Canceled)

149

150 64. (Canceled)

151

Reasons for Allowance

152

153 1. Claims 1-4, 6-7, 9-18, 21, 23-32, 34-35, 37-46, 48-49, 51-60, 62-63,
154 65-70 will be allowed.

155

156 2. The following is an examiner's statement of reasons for allowance.

157 The prior art references most closely resembling the applicants
158 claimed invention is Gai (U.S. 6,421,733) and O Toole et al (U.S.
159 6,345,294).

160

161 First, Gai disclosed a DHCP server and layer 3 switches are modified to
162 handle enhanced DHCP messages communicated between the DHCP
163 server and switches. Through these unique DHCP messages, one or
164 more IP addresses and routing protocols may be received at the switches.
165 Based on this received information, the switches may be configured with
166 its IP subnets, IP addresses and routing protocols. However Gai failed to
167 disclose, "wherein the configuration attributes comprise an Internet
168 Protocol (IP) subnet mask determined based upon the configuration
169 information unique to the subnet and derived from passively listening to
170 control traffic detected by the first network device at interfaces between
171 the first network device and the subnet, and at least a one of Spanning
172 Tree Group information, Simple Network Management Protocol (SNMP)
173 server addresses, Open Shortest Path First (OSPF) timer information,
174 Routing Information Protocol (RIP) broadcast timer information, and
175 Virtual Router Redundancy Protocol (VRRP) information". These
176 limitations are incorporated into all of the independent claims (claims 1,
177 15, 29, 43, 57).

178

179 Second O Toole disclosed an end device (e.g. appliance) connected to a
180 network which runs a boot algorithm. The boot algorithm functions "to
181 learn enough about the IP environment in which the appliance is installed
182 to obtain a connection with an appliance registry 28 in order to download
183 additional configuration information" from the appliance registry 28.

184 However O Toole failed to disclose "wherein the configuration attributes
185 comprise an Internet Protocol (IP) subnet mask determined based upon
186 the configuration information unique to the subnet and derived from
187 passively listening to control traffic detected by the first network device at
188 interfaces between the first network device and the subnet, and at least a
189 one of Spanning Tree Group information, Simple Network Management
190 Protocol (SNMP) server addresses, Open Shortest Path First (OSPF)
191 timer information, Routing Information Protocol (RIP) broadcast timer
192 information, and Virtual Router Redundancy Protocol (VRRP) information".
193 These limitations are incorporated into all of the independent claims
194 (claims 1, 15, 29, 43, 57).

In summary, the Examiner submits that Gai and O Toole taught all the limitations of independent claims in combination with other elements. Specifically prior art does not teach "wherein the configuration attributes comprise an Internet Protocol (IP) subnet mask determined based upon the configuration information unique to the subnet and derived from passively listening to control traffic detected by the first network device at interfaces between the first network device and the subnet, and at least a one of Spanning Tree Group information, Simple Network Management Protocol (SNMP) server addresses, Open Shortest Path First (OSPF) timer information, Routing Information Protocol (RIP) broadcast timer information, and Virtual Router Redundancy Protocol (VRRP) information; therefore, claims 1-4, 6-7, 9-18, 21, 23-32, 34-35, 37-46, 48-49, 51-60, 62-63, 65-70 have been deemed allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adnan Mirza whose telephone number is (571) 272-3885. The examiner can normally be reached on Monday through Friday from 9:30 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Vivek Srivastava can be reached on (571)-272-7304. The fax phone

Art Unit: 2445

numbers for the organization where this application or proceeding is assigned are listed herein below.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)746-7239. Customer service number is (866) 217-9197.

/NIVEK SRIVASTAVA/

Supervisory Patent Examiner, Art Unit 2445